

# MANDATE

D. Vt.  
16-cv-125  
Crawford, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17<sup>th</sup> day of January, two thousand twenty.

Present:

Robert A. Katzmann,  
*Chief Judge,*  
Gerard E. Lynch,  
*Circuit Judge,*  
Lewis A. Kaplan,\*  
*District Judge.*

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Saint-Gobain Performance Plastics Corp.,

*Petitioner,*

v.

19-2851

James D. Sullivan, individually, and on behalf of a class  
of persons similarly situated, et al.,

*Respondents,*

Chamber of Commerce of the United States of America, et al.,

*Movants.*

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Petitioner requests, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting Respondents' motion for class certification. Petitioner also moves for leave

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\* Judge Lewis A. Kaplan, of the United States District Court for the Southern District of New York, sitting by designation.

MANDATE ISSUED ON 01/17/2020

to file a reply and three non-parties move for leave to file an amicus curiae brief in support of Petitioner's petition. Upon due consideration it is hereby ORDERED that the motions for leave to file a reply and an amicus curiae brief are GRANTED. It is further ORDERED that the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 